

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

WESTGATE COMM., LLC, d/b/a  
WEAVTEL,

Plaintiff,

v.

U.S. NATIONAL PARK SERVICE,  
et al.

Defendants.

NO. CV-06-0062-EFS

**CONSENT ORDER AND JUDGMENT**

The parties, Westgate Communications, d/b/a Weavtel, Plaintiff, and the United States of America and the National Park Service (NPS), et al., Defendants, wish to settle all issues arising out of the allegations of this case involving the issuance of a Permit to Plaintiff for certain activities on lands administered by Defendant, and hereby agree to the entry of this Consent Order as indicated by the signatures below. This Consent Order constitutes a full and final resolution of the claims set forth in the Complaint and any and all claims that could be brought by Plaintiff to install, maintain and operate telecommunication services in and on lands owned by the United States of America and managed by the National Park Service in the Stehekin Valley within Lake Chelan National Recreation Area.

1 Therefore, it is hereby Ordered, Adjudged and Decreed as follows:

2 1. Defendants United States of America and the National Park  
3 Service shall issue a Finding of No-Significant Impact (FONSI) for the  
4 installation, maintenance and operation of a public telecommunications  
5 system on NPS managed lands and facilities in the Lake Chelan National  
6 Recreation Area. This FONSI is based on the proposed activities already  
7 reviewed by NPS as required by NEPA. Additionally, Defendants will issue  
8 a Special Use Permit to Plaintiff to install, maintain and operate a  
9 wireless telecommunications system. Should the wireless system be  
10 determined ineffective for its designed purpose, the NPS agrees to issue  
11 a Special Use Permit to allow the burying of fiber optic cable on lands  
12 administered by NPS as necessary to establish reliable telecommunications  
13 where wireless telecommunications are not feasible, but in no event will  
14 permission be given beyond that set forth in the Environmental Assessment  
15 issued by the National Park Service in June, 2007.

16 2. Plaintiff shall pay to Defendants the costs incurred by  
17 Defendants in preparing both the initial Environmental Assessment and the  
18 Environmental Assessment prepared in June, 2007. The balance remaining  
19 due on the first Environmental Assessment is \$6,876.58. The cost  
20 incurred for preparation of the second Environmental Assessment is \$3,  
21 682.00.

22 3. This Consent Order constitutes a judgment against Plaintiff in  
23 the amount of \$10,558.58.

24 4. A copy of this Order shall be provided to the USDA Rural  
25 Utilities Service (RUS). Plaintiff shall provide written authority to  
26 the RUS to direct \$10,558.58 of loan monies, otherwise payable to

1 Plaintiff, to the National Park Service to satisfy the judgment set forth  
2 above. If otherwise legally permitted to do so, at the time loan  
3 proceeds are released to Plaintiff, the RUS shall pay to Defendants  
4 \$10,558.58 of loan monies to satisfy this judgment. Nothing in this  
5 Consent Order prevents Defendants from pursuing other enforcement  
6 remedies to collect this judgment. A Satisfaction of Judgment shall be  
7 entered when Plaintiff has fully paid the amount of the Judgment.

8 5. All parties shall be responsible for their own attorney's fees  
9 and Court costs.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
11 this Order and to provide copies to counsel.

12  
13 **DATED** this 6<sup>th</sup> day of December 2007.

14  
15 S/ Edward F. Shea  
16 EDWARD F. SHEA  
United States District Judge

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